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T-406 P.001/003 F-154

Appl. No. 10/053,387

Docket No. 70377-010200

Amdt. dated March 12, 2004

Reply to Office action of February 12, 2004

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Date

Miyabi Grace

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/053,387

Group Art

1615

Unit:

Applicant(s): Jian Ling Ding

Examiner:

JOYNES, ROBERT M

Filing Date: January 17, 2002

Docket No.

70377-010200

Title: HYDROCOLLOID COMPOSITIONS

Customer No.

33717

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This response is being submitted in reply to the communication of February 12, 2004 which includes a restriction requirement. This response is being timely filed within the shortened 30-day statutory period for response expiring on March 12, 2004. Claims 1-31 are pending in the above-identified application and, pending the outcome of the traverse of the restriction requirement, are still under consideration.

Responsive to the communication of February 12, 2004, kindly enter the following provisional election: Applicant provisionally elects, with traverse, Group I. Claims 1-11, 14-22 and 29-31, drawn to hydrocolloids comprising polymers and auxiliaries, and Species A, Claims 1, 4, 9, 11, 12, 14-17, hydrocolloid comprising EPDM polymer.

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Applicants do not traverse the Restriction Requirement on the grounds of lack of patentable distinctness. Rather, applicants traverse the Restriction Requirement on the grounds that a sufficient burden to require restriction does not exist and that the inventions are sufficiently related to preclude restriction notwithstanding the existence of patentable distinctness.

The search required for hydrocolloid compounds and hydrocolloid compounds having/utilized as therapeutic agents are interwoven, and it is well known that the excellent classification system of the United States Patent and Trademark Office is much more detailed than the actual separate status of fields known to the art. Therefore, Applicant once again makes clear that the traversal of the restriction requirement not on the grounds of lack of patentable distinctness. Rather, applicants traverse the restriction requirement on the grounds that a sufficient burden to require restriction does not exist and that the inventions are sufficiently related to preclude restriction, notwithstanding the existence of patentable distinctness. Accordingly, the Examiner's restriction requirement is burdensome, not only on the Applicant but also the public, as it would require multiple patents to cover the technology of the claims of the invention. Applicant respectfully requests that the restriction requirement be withdrawn.

Additionally, claims 2, 3, 5-8, 10, 13, and 18-31, are currently withdrawn from further examination. It is requested that the claims withheld from further examination remain in this case until such time as appropriate for possible filing of additional applications or upon the Examiner's withdrawal or modification of the restriction requirement.

Applicant has complied with all requirements made in the above referenced communication. Accordingly, examination of this application on the merits is respectfully requested. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

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T-406 P.003/003 F-154

Appl. No. 10/053,387
Amdt. dated March 12, 2004
Reply to Office action of February 12, 2004

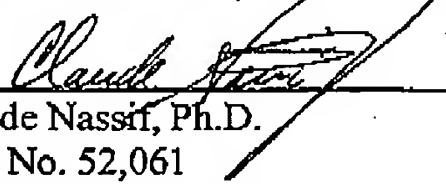
Docket No. 70377-010200

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2638.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date March 12, 2004

By 
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